

Given the circumstances of the bifurcation of this trial, the Court believes it would be appropriate to allow Plaintiffs to offer the exhibits and deposition testimony outlined in the pending motion, subject to Defendant's objections. *See, e.g., Lirette v. Popich Bros. Water Transport Inc.*, 660 F.2d 142, 145 (5th Cir. 1981) (reviewing a district court's decision on a motion to re-open evidence after trial but prior to judgment, and noting " 'Reopening the case for additional evidence is normally a discretionary matter for the trial court to decide.' " (citing *Morales v. Turman*, 562 F.2d 993, 996 (5th Cir. 1977))). If Plaintiffs wish to supply additional affidavits in response to Defendant's objections as indicated in footnotes 2-5 of the pending motion, they may do so. After reviewing the

evidence and parties' post-trial briefing, the Court will determine whether it is necessary to reconvene for an evidentiary hearing.

Defendants may also submit additional evidence regarding PMM's interest in the TOTONACA, if they should wish to do so. Such evidence must be provided to the Court and to Plaintiffs by no later than 5:00 p.m., Thursday, May 29, 2008.

IT IS SO ORDERED.

SIGNED this 27th day of May, 2008.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE